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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	NO. CR 07-0568 MHP
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	UNSEALING THE PLEA AGREEMENT
)	
v.)	
)	
)	
MARK JACOBSON,)	
)	
Defendant.)	

The United States of America, by and through its attorney Assistant United States Attorney Kyle F. Waldinger, and the defendant Mark Jacobson, by and through his attorney Thomas F. Carlucci of Foley & Lardner LLP, hereby stipulate and agree that the Plea Agreement in this matter may be unsealed. In further support of this request, the parties state as follows:

1. The defendant entered his plea of guilty in open Court on September 24, 2007. At that time, the Court ordered that the parties' Plea Agreement be filed under seal.

2. Since that time, the United States has obtained an Indictment charging the defendants David Nosal and Becky Christian with numerous offenses. That case is numbered CR 08-0237 MHP. Both Nosal and Christian have made their initial appearances before Magistrate Judge Larson, and Christian has made her initial appearance before this Court. Both defendants are scheduled to appear before this Court on May 19, 2008.

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3. Both Nosal and Christian have requested Rule 16 discovery from the government. The government intends to produce in discovery the defendant Mark Jacobson's Plea Agreement to the defendants Nosal and Christian. Before doing so, the United States seeks unseal that agreement.

4. Accordingly, for the reasons stated above, the parties stipulate and agree that the defendant Mark Jacobson's Plea Agreement with the United States should be unsealed.

SO STIPULATED.

DATED: May 9, 2008

BRIAN J. STRETCH
Acting United States Attorney

/s/

KYLE F. WALDINGER
Assistant United States Attorney

DATED: May 9, 2008

/s/

THOMAS F. CARLUCCI
FOLEY & LARDNER LLP
Attorney for defendant Mark Jacobson

[PROPOSED] ORDER

Good cause appearing therefor, it is hereby ordered that the plea agreement filed in this matter on or about September 24, 2007 is UNSEALED.

DATED: May __, 2008

MARILYN HALL PATEL
UNITED STATES DISTRICT JUDGE